

Email Communication between the Department and USFSW in regards to NSO Rule Language

Yes, anytime there is a potential for varying interpretations it's best to include a footnote or glossary to define what is intended.

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10/26/2012 04:48 PM

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Subject RE: NSO Activity Center Rule Change

Thanks for the feedback.

My difficulty is in trying to provide it in about as many words as "the best of." (This always makes me think of things like..."The Best of Booker T and the MGs," etc.) I substituted "suitable," but it has it raises questions as well. It's for a legal definition, so it has to be clear and concise. I don't find "the best of" clear, so that was why I asked. Once CAL FIRE management OKs what I have proposed, I'll send it to you all. This will take a while to work through the BOF's process, so there will be more time for comment. The first draft of these is meant to provide something to throw darts at anyway. Amazing how complicated one term can be.

Thanks again and have a fine weekend.

Chris

From: Jan_Johnson@fws.gov [mailto:Jan_Johnson@fws.gov]

Sent: Friday, October 26, 2012 4:38 PM

To: Browder, Chris

Cc: Bill McIver; Motroni, Bob; Brian Woodbridge (Brian_Woodbridge@r1.fws.gov); Hall, Dennis; Erin Williams (Erin_Williams@fws.gov); James Bond "JB" (james_bond@fws.gov); Kathleen_Brubaker@fws.gov; Laura Finley (laura_finley@fws.gov); Dias, Matt; 'Nancy_Finley@fws.gov'; Steve Kramer (steve_kramer@fws.gov); MHARDY@dfg.ca.gov

Subject: RE: NSO Activity Center Rule Change

When referring to "the best of locations" it refers typically to a hierarchical decision based on reproductive status, but should also consider contemporary data.

In ranking from reproductive status, nest stands or stands where young were located rank highest, followed by stands used by roosting pairs, then daytime locations of territorial singles, then concentrated nighttime detections.

Contemporary data may also influence AC locations because perhaps past data may have suggested a roosting pair in one location but recent data may have found roosting pairs (nonnesting) in a slightly different location....the more recent should rank higher than older data. These 'gray' areas is why we suggest a thoughtful level of review to consider **all** available information if 'shifting' activity center locations (including review of aerial imagery). In addition, this is why the Service recommends avoiding any harvest within 1000 feet and a thorough analysis of timber management within the 0.5 mile core areas because of the disproportionate use of these areas.

Am CC'ing Mike Hardy with CDFG on this as we just chatted about these very things yesterday and now that they are in the process of breathing new life into the NSO database and NSO data analysis, I think it is prudent we maintain open dialogue as things move forward.

Hope this helps - please let me know if you have any other questions.

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10/25/2012 03:43 PM

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cc

Subject RE: NSO Activity Center Rule Change

Hi all,

I note that 2012 protocols define activity center as "a location or point representing 'the best of' detections..." Is there some other way of putting "the best of" that relates to owl behavior or what it is about the detection representing the activity center that makes it "best" rather than saying "the best of"? "Most suitable detection"? "Finest detection"? "Highest quality detection"? "Superior detection"? There must be some other way of stating "the best of" as it relates to detections and activity center establishment.

What do you all think?

Thanks.

Chris

From: [Nancy Finley@fws.gov](mailto:Nancy_Finley@fws.gov) [mailto:Nancy_Finley@fws.gov]

Sent: Wednesday, October 10, 2012 4:13 PM

To: Browder, Chris

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Subject: Re: NSO Activity Center Rule Change

Chris,

YFWO and AFWO have reviewed the materials you submitted and provide the following comments regarding your information in your attachments:

The US Fish and Wildlife Service (Service) recommends the following:

- 1) Any future references to Service endorsed NSO Survey Protocol should specifically reference the "2011 Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls, Revised January 2012". This can be referenced as the "2012 NSO Survey Protocol". Consider also using the language "....the 2012 NSO Survey Protocol or most recent Service-endorsed survey protocol". This could alleviate continued updates if future revisions are made to the 2012 Protocol.
- 2) For the "Proposed Activity Center Rule Language" - The definition of "Activity Center" in CAL FIRE's revision should be consistent with the definition in the 2012 NSO Survey

Protocol (page 31). CAL FIRE's draft struck out the language describing the criteria that establishes Activity Centers. The Service recommends that the Activity Center definition should be followed with the written criteria used to establish Activity Centers, as described on pages 24-25 (Territorial Pair, Two Birds Status Unknown, Resident Single Status).

3) Future revisions to Attachment A that reference Activity Centers will be consistent with the definition used in the 2012 NSO Survey Protocol.

Thanks and please let either Erin or I know if we can provide additional information.

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09/26/2012 05:12 PM

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Subject NSO Activity Center Rule Change

Hi USFWS folks,

The Board of Forestry and Fire Protection is contemplating changing the definition of (NSO) "activity center" to make it more consistent with current protocol and take avoidance documents. I've been asked to bring them proposed rule language this coming month. As part of that, they have asked me to request comments from the Service.

I have attached two documents: (1) one presents documentation about the current definition and from more current USFWS documents; and (2) one contains proposed rule amendments.

Please take look at these document and provide comments, if you please. I'd like to have comments by October 8, but realize you may not have time to provide them by then. If it will take longer, and the Service does plan to comment, then please let me know, and I will convey that to the BOF.

Thanks very much.

Chris